

REMARKS

A Restriction Requirement was issued on December 27, 2005 in the instant application. The Examiner has requested election between six species: Species A (Claim 1); Species B (Claim 11); Species C (Claim 19); Species D (Claim 27); Species E (Claim 35); and Species F (Claim 43). Further, the Examiner required election between Species AA (Claim 8) and Species AB if Species A is elected.

By this response, Applicants elect Species A (Group I), herein for prosecution on the merits. Claims 1-4 and 7-10 are believed to read upon the elected species A, including Species AA and AB (Group II), to which the claims shall be restricted if no generic claim is finally held allowable.

Applicants respectfully request that the Examiner reconsider the election requirement as to Species AA and AB, and thus examine Species AA and AB together.

Under the Patent Act and the rules of patent practice, if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it may include claims to distinct or independent inventions. MPEP § 803.

In the present case, examining Species AA and AB together would not constitute a serious burden to the Examiner since the examination of Species AA and AB together would only require the examination of one extra dependent claim. Therefore, Species AA and AB should not be restricted and should be examined together.

Nevertheless, the Examiner has advised Applicants, consonant with the Restriction Requirement, that a response to the Restriction Requirement must include an election between Species AA and AB if Species A is elected. Accordingly, Applicants hereby further elect Species AA, as designated by the Examiner. Thus, the claims readable upon Species A (Group

I), Species AA (Group II) are Claims 1-4, 7-8, and 10. Furthermore, claims 9, 11-14, 17-22, 25-30, 33-38, 41-16, and 49-50 have been withdrawn consonant with the Restriction Requirement.

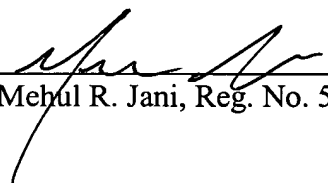
Applicants reserve the right to submit the withdrawn claims in subsequent divisional applications.

CONCLUSION

It is believed that a full and complete response has been made to the outstanding Restriction Requirement, thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (410) 716-2886.

Respectfully submitted,

Dated: 2/15/06

By: 
Mehul R. Jani, Reg. No. 51,380

THE BLACK & DECKER CORPORATION
701 E. JOPPA ROAD, TW 199
TOWSON, MD 21286

[MRJ/edp]